

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>FREDDY POPOTE</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 08-1412</b>
	:	
<b>MICHAEL MURPHY, <u>et al.</u></b>	:	

**ORDER**

**AND NOW**, this 19th day of November, 2008, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell (docket no. 15) and having received no objections thereto, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DENIED** with prejudice and **DISMISSED** without an evidentiary hearing; and
3. There is no probable cause to issue a certificate of appealability.

**BY THE COURT:**

S/ BRUCE W. KAUFFMAN  
**BRUCE W. KAUFFMAN, J.**